Calendar No. 26

98TH CONGRESS 1st Session } SENATE { REPORT No. 98-7

LAND CONVEYANCE LAKE LOWELL, BOISE PROJECT, IDAHO

FEBRUARY 23, 1983.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 577]

The Committee on Energy and Natural Resources having considered the same, report favorably an original bill (S. 577) to provide for the conveyance of certain Federal lands adjacent to Lake Shore Drive, Lake Lowell, Boise Project, Idaho, and recommend that the bill do pass.

PURPOSE OF THE MEASURE

S. 577 directs the Secretary of the Interior to convey certain tracts of public land to adjacent landowners near Lake Lowell, Boise Project, Idaho, at fair market value.

BACKGROUND AND NEED

Early in this century, the Reclamation Service, the forerunner of the Bureau of Reclamation, acquired land south of Nampa, Idaho, for the construction of a reservior on a canal fed by the Boise River. In 1909, the Lake Lowell dam was constructed and the lake filled to its present capacity. By Executive Order in 1937, the Deer Flat National Wildlife Refuge was created on the Federal lands surrounding Lake Lowell.

When Lake Shore and Orchard Drive were constructed around Lake Lowell, they did not follow the boundary of the federally acquired property. As a result, 33 parcels ranging in size from a fraction of an acre to several acres were isolated from Deer Flat Wildlife Refuge. Over the years these parcels were incorporated into the adjacent farm operations. Occupancy of these small acreages was not contested by the Government largely due to the parcel size and rural loca-

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tion, although the issue of the precise boundary location did surface several times.

In the early to mid 1970's when the processing of a construction loan application raised the title issue on some of the land, the Bureau of Reclamation began a boundary retracement survey for the 29 parcels of land along Lake Shore Drive and the four along Orchard Drive. The 33 strips were formally removed from the National Wildlife Refuge and the Boise Project Office prepared the individual plats and legal descriptions necessary to dispose of the land.

The problem with proceeding to a direct disposal of this property lies with the authority of the Bureau of Reclamation to dispose of this property. Federal Regulations require that property with an appraised value in excess of $1,000 must be sold by the General Services Administration (GSA) on a sealed bid basis. This process would not ensure that the persons currently occupying the small parcels would be the successful bidders if the parcels were sold by GSA.

S. 577 would provide for the adjacent landowner to the property receive title to the land by paying the fair market value of the property and certain administrative costs. The bill exempts those acquiring the Federal land from reimbursing the Government for any surveying and legal description preparation costs.

LEGISLATIVE HISTORY

S. 577 was introduced as an original bill on February 23, 1983, as authorized by the Senate Energy and Natural Resources Committee. S. 577 is identical to S. 982 as reported and as passed the Senate in the 97th Congress. The Public Lands and Reserved Water Subcommittee received testimony on S. 982 on February 11, 1982. The Administration supported S. 982, as reported. No hearings were held on S. 577 in the 98th Congress.

At a business session on February 23, 1983, S. 577 was ordered favorably reported. The Chairman was authorized to introduce it as an original bill.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources in an open business session on February 23, 1983, by a unanimous vote of a quorum present recommends the Senate pass S. 577 as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz*	
Mr. Johnston*	
Mr. Jackson	
Mr. Bumpers	
Mr. Ford	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas	
Mr. Bradley	

*Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of the Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 577.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. S. 577 conveys certain public lands in Idaho to adjacent landowners at fair market value.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 577.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report will be requested by the Committee from the Department of the Interior. It is the intention of the Chairman to place the legislative report in the Congressional Record when received for the information of the Senate.

The legislative report relating to S. 982 as reported, an identical measure to S. 577, which passed the Senate in the 97th Congress is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 25, 1982.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department concerning S. 982, a bill "To provide for the conveyance of certain Federal lands adjacent to Lake Shore Drive, Lake Lowell, Boise Project, Idaho.

We would support enactment of the bill if it is amended as suggested in this report.

The bill would authorize and direct the Secretary to convey to adjacent landowners for a fair market value, certain parcels of land to which the United States holds title. These lands are located immediately south of Lake Shore Drive, Lake Lowell, Idaho.

We recommend that the bill be amended to include four parcels along Orchard Drive. This amendment could be accomplished by adding the words "Orchard and" before the words "Lake Shore" each time they appear in the bill and changing the word "Drive" to "Drives" each time it appears.

The lands in question were part of a much larger tract acquired at the turn of this century for the Lake Lowell Dam and Reservoir by the Bureau of Reclamation. Subsequently, the Deer Flat National Wildlife Refuge was created on lands surrounding the Lake, and Orchard and Lake Shore Drives were constructed around the Lake. Because the roads did not precisely follow the boundary of the Federal tract, a small strip of land adjacent to the roads was isolated from the other Federal lands. These separated lands, the lands now in question, were not thereafter used for Federal project purposes and were ostensibly not part of the Federal tract. Gradually, these parcels (the largest being about 12 acres) were occupied and used by adjacent landholders, who assumed they were part of their own tracts because there was no obvious boundary but the road. Some owners may, in fact, have paid taxes on the lands. In recent years, however, the question of title has created problems, and there is a need to resolve the matter. The Bureau has found the lands no longer necessary for project purposes.

The Department agrees that the equities of the situation favor sale of the lands to the adjacent landowners, for a fair market value as provided in the bill. However, the Bureau does not have the authority to sell this property to the adjacent landowners without legislation. We therefore support enactment of S. 982 as a fair resolution but we propose a further amendment.

We recommend the deletion of the words "but excluding" on page 2 lines 6 and 7 and the substitution of the word "and" in lieu thereof. S. 982 provides that the fair market value to be paid by the landowners exclude the costs to the Federal Government of conducting surveys and preparing legal descriptions of the land involved. Under current law and practice, purchasers of Federal lands pay these costs. There does not appear to be mitigating circumstances that would justify excluding these costs in this instance. Our suggested amendment specifies that the purchasers would pay these costs.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by the bill, S. 577, as ordered reported.

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Calendar No. 27

98TH CONGRESS } SENATE { REPORT
1st Session } { No. 98-8

REDESIGNATING SAINT CROIX NATIONAL MONUMENT, MAINE

FEBRUARY 23, 1983.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S.J. Res. 25]

The Committee on Energy and Natural Resources, to which was referred the joint resolution (S.J. Res. 25) redesignating the Saint Croix Island National Monument in the State of Maine as the "Saint Croix Island International Historic Site" having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE OF THE MEASURE

Senate Joint Resolution 25, as reported, would redesignate the Saint Croix Island National Monument in the State of Maine as the Saint Croix International Historic Site.

BACKGROUND AND NEED

Saint Croix Island National Monument was established by the Act of Congress of June 8, 1949 (63 Stat. 158). The area is administered by Acadia National Park. No visitation statistics have been kept for the area, but the estimate of the Acadia Superintendent is that about 5,000 visitors stop at Saint Croix annually. Visitor use may increase in the future based on improved interpretation and the growing emphasis placed on the area and its history by the Governments of Canada and the United States.

Saint Croix Island is the site of the first French (Acadian) settlement in North America in 1604. This, in turn, led to the founding of French Canada several years later at Fort Royal and Quebec City. Expedition leaders DeMonts and Champlain were also the first to explore and chart the New England coastline. Some have referred to Saint Croix as a Canadian Plymouth Rock or Jamestown. The history made at Saint Croix is therefore of great importance to both the United

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States and Canada, and the change of designation to "International Historic Site" is clearly appropriate.

No additional or attributable costs should result from the enactment of this resolution. Nonetheless, this new designation would formalize an ongoing cooperative relationship which has evolved in recent years over the site among the U.S. National Park Service, Parks Canada, and the New Brunswick Historical Resources Administration.

The Resolution would broaden the status of the Monument only by acknowledging its historic significance as the site of Canada's first European settlement. Canada and the United States have signed a cooperative agreement concerning the Island's historic role. No authorization for funding is necessary. The resolution does not affect the management or change the status of the Island as a unit of the National Park System.

LEGISLATIVE HISTORY

Senate Joint Resolution 25 was introduced on January 27, 1983. Senate Joint Resolution 25 is similar to Senate Joint Resolution 155 as reported by the Committee and passed the Senate in the 97th Congress. The Public Lands and Reserved Water Subcommittee received testimony on Senate Joint Resolution 155 on July 27, 1982. The Administration supported the enactment of Senate Joint Resolution 155 as introduced.

At a business session on February 23, 1983, the Committee on Energy and Natural Resources ordered Senate Joint Resolution 25 favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources in an open business session on February 23, 1983, by a unanimous vote of a quorum present recommends the Senate pass Senate Joint Resolution 25 as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield [1]	
Mr. Weicker [1]	
Mr. Domenici [1]	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz [1]	
Mr. Johnston [1]	
Mr. Jackson	
Mr. Bumpers	
Mr. Ford	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas	
Mr. Bradley	

[1] Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out Senate Joint Resolution 25.

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

Senate Joint Resolution 25 redesignates the Saint Croix Island National Monument in the State of Maine as the "Saint Croix Island International Historic Site".

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of Senate Joint Resolution 25.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report on S.J. Res. 25 was requested by the Committee from the Department of the Interior. It was not received by the Committee at the time this report was filed. It is the intention of the Chairman to place the legislative report in the Congressional Record when received for the information of the Senate.

The legislative report relating to Senate Joint Resolution 155 as reported, an identical measure to Senate Joint Resolution 25 except for technical corrections, which passed the Senate in the 97th Congress is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 20, 1982.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on Senate Joint Resolution 155, to change the name of the Saint Croix Island National Monument to the Saint Croix Island International Historic Site.

We fully support enactment of this resolution.

Saint Croix Island National Monument was established by the Act of June 8, 1949 (63 Stat. 158). The area is administered by Acadia National Park. No visitation statistics have been kept for the area, but the estimate of the Acadia park superintendent is that about 5,000 visitors stop at Saint Croix annually. We expect visitor increases in the future based on improved interpretation and the growing emphasis placed on the area and its history by the governments of Canada and the United States.

Saint Croix Island is the site of the first French (Acadian) settlement in North America in 1604. This, in turn, led to the founding of French Canada several years later at Fort Royal and Quebec City. Expedition leaders De Monts and Champlain were also the first to explore and chart the New England coastline. Some have referred to Saint Croix as a Canadian Plymouth Rock or Jamestown. The history made at Saint Croix is therefore of great importance to both the United States and Canada, and the change of designation to "International Historic Site" is clearly appropriate.

The resolution specifically provides that nothing in the resolution shall affect the status of the area as a unit of the National Park System. No additional or attributable costs would result from the enactment of this resolution. Nonetheless, this new designation would formalize an ongoing cooperative relationship which has evolved in recent years over the site among the U.S. National Park Service, Parks Canada, and the New Brunswick Historical Resources Administration. We expect the quality of the visitor experience and the cooperation among governments to only improve as we continue to work toward appropriate recognition for Saint Croix. A considerable share of the credit for this enterprise belongs to Premier Richard B. Hatfield. We are grateful for his vision and his persistence.

Our only amendments are technical corrections. First, on page 2, line 9, after "Croix," insert the word "Island." Second, on page 2, line 13, the word "Service" should be deleted and the word "System" should be inserted in its place.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD PAUL HODEL,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law would be made by the bill Senate Joint Resolution 25, as reported.

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